



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: September 28, 2012 REPORT NO:
ATTENTION: Public Safety and Neighborhood Services Committee
SUBJECT: Bicycle Licenses
REFERENCE: None

REQUESTED ACTION:

Recommend changes to the San Diego Municipal Code, Chapter 3: Business Regulations, Business Taxes, Permits and Licenses, Article 4: Bicycles and Vehicles.

STAFF RECOMMENDATION:

Accept the changes to the Municipal Code, Chapter 3, Article 4.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

San Diego Municipal Code, Chapter 3: Business Regulations, Business Taxes, Permits and Licenses, Article 4: Bicycle Licenses addresses the requirement for bicycles to be licensed. Bicycle licensing is also currently mandated by California Vehicle Code Section 39002 License Requirement.

The Municipal Code states that it is unlawful for any person to operate a bicycle upon any public street, alley, sidewalk, highway, or other public property within the jurisdiction of The City of San Diego without first obtaining a license issued by said City. Bicycle retailers are authorized and directed to issue, upon written application, a bicycle license, to any person residing within the City of San Diego. Bicycle retailers issuing licenses will charge a fee pursuant to section 34.02. Fees collected in accordance with section 34.02 shall be sent to the San Diego Fire Department. Bicycle retailers will purchase bicycle licenses and stickers from the San Diego Fire Department. The San Diego Fire Department will return \$1 of the \$2 license fees collected to bicycle retailers upon return of a completed registration form.

This Municipal Code requirement was established because prior to 1977 bicycles did not have serial numbers and the license was required to individualize numbers on bikes for identification. Since 1977, bicycle manufacturers are required to have serial numbers on all bikes.

As a result of stakeholder outreach and discussions with San Diego Fire-Rescue and Police Department staff, it is felt the intent of the Code is no longer relevant.

DISCUSSION:

Initially, bike owners visited fire stations to purchase the licenses as a matter of convenience but as emergency incidents increased, firefighters were unavailable to accommodate bike owners. In 1996, the licensing of bicycles was transferred from the Fire Department to local retail outlets which sell bicycles.

Muni Code Section 34.04, Secondhand Bicycles Business – Reports Required, simply duplicates what is currently in the Muni Code dealing with Second Hand Dealers as referenced by Muni Code Sections below, 33.1101 and 21628. Removing Chapter 3, Article 4 from the Muni Code does not diminish the police department's ability to inspect, nor does it diminish the responsibility of the second hand dealers to report to the police the second hand sales of bicycles. This process is already taking place.

San Diego Municipal Code section - §33.1101 Records Required — Reports Required addresses the following: All junk dealers, as defined in Business and Professions Code section 21601, pawnbrokers, as defined in Financial Code section 21000, and dealers in secondhand articles as defined in Business and Profession Code section 21626 shall keep a record in accordance with state law of any and all articles acquired by purchase, pledge or otherwise. The record and the articles shall at all times during ordinary business hours be subject to inspection by any police officer of said City. Such person shall, in addition to keeping such records, daily deliver to the Chief of Police, upon forms of a type and content which shall be approved by the Chief of Police for that purpose and setting forth a full, true and complete report of all such previously named articles acquired by purchase, pledge or otherwise by such persons during the entire calendar day preceding such report, together with the hour and date of the transaction and a reasonable description and true name of the person from whom such article was so acquired, as accurately as can be obtained by the person making such report. All records and forms shall be legible.

Business and Professions Code section 21628 speaks to the following: Every secondhand dealer or coin dealer described in Section 21626 shall report daily, or on the first working day after receipt or purchase of secondhand tangible personal property, on forms or through an electronic reporting system approved by the Department of Justice, all secondhand tangible personal property, except for firearms, which he or she has purchased, taken in trade, taken in pawn, accepted for sale on consignment, or accepted for auctioning, to the Chief of Police or to the Sheriff, in accordance with the provisions of Sections 21630 and 21633 and subdivision.

FISCAL CONSIDERATIONS:

Approximately \$1,300 has been collected in bicycle license revenue for the past five fiscal years. An annual revenue budget of \$900 will be eliminated.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (if applicable):

N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTIONS:

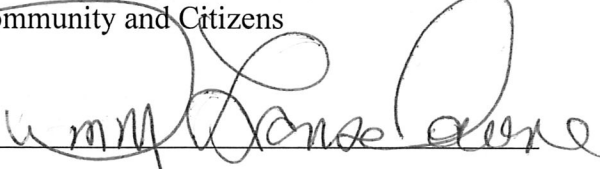
Chapter 3, Article 4 amended on June 24, 1996 by Ordinance 18314.

COMMUNITY PARTICIPATION AND OUTREACH EFFORTS:

Public outreach included meetings with the San Diego County Bicycle Coalition and numerous other interested community members. Per several stakeholder discussions, all interested parties have indicated they are pleased with the proposal to remove sections 34.01 through 34.15 from Chapter 3, Article 4 of the San Diego Municipal Code.

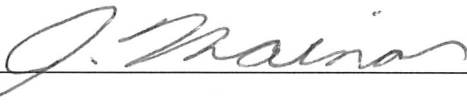
KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Community and Citizens



Police Department

Deputy Chief/Chief Operating Officer



Fire-Rescue Department

Attachment I

Article 4: Bicycles and Vehicles

34.01—Bicycle Defined

“Bicycle” for the purpose of this article means device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears, and which has wheels at least twenty (20) inches in diameter and a frame size of at least thirteen (13) inches.

(Amended 8-20-1975 by O-11661 N.S.)

34.02—Bicycle License Required

Except as provided by Section 34.09 of this article, it is unlawful for any person to operate a bicycle upon any public street, alley, sidewalk, highway, or other public property within the jurisdiction of The City of San Diego without first obtaining a license issued by said City. Bicycle retailers are authorized and directed to issue, upon written application, a bicycle license, to any person residing within the City of San Diego. Bicycle retailers issuing licenses will charge a fee pursuant to section 34.02. Fees collected in accordance with section 34.02 shall be sent to the San Diego Fire Department. Bicycle retailers will purchase bicycle licenses and stickers from the San Diego Fire Department. The San Diego Fire Department will return \$1 of the \$2 license fees collected to bicycle retailers upon return of a completed registration form. License applicants who reside outside the City of San Diego shall be referred to their respective city or jurisdiction of residency. Any bicycle not subject to the provisions of this article may be licensed upon the request of the owner.

(Amended 6-24-1996 by O-18314 N.S.)

34.03—Bicycle License Fee

The fee to be paid for registration and licensing of any bicycle and for the renewal of registration and licensing of any bicycle shall be two dollars (\$2.00); for registration and licensing when there is a transfer of ownership, the new owner shall pay one dollar (\$1.00) for the transfer of the license to his name; for a lost or destroyed license plate, a new license plate shall be issued for which the owner shall pay one dollar (\$1.00). All fees shall be paid in advance.

(Amended 10-26-1977 by O-12195 N.S.)

34.04—Secondhand Bicycle Business—Reports Required

All persons engaged in the business of buying second-hand bicycles are hereby required to make a weekly report to the Chief of Police or designee, giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof, and the number of the metallic license plate found thereon, if any. All persons engaged in the business of selling new or secondhand bicycles are hereby required to make a weekly report to the Chief of Police or designee, giving a list of all sales made by such dealers, which list shall include the name and

Attachment I

address of each person to whom sold, the kind of bicycle sold, together with description and from number thereof, and the number of the metallic license plate attaché thereto, if any.

(Inc. 1-22-1952 by O-504 N.S., contained in O-4396 N.S., adopted 5-9-1950.)

34.05 ~~Destroying Bicycle License Number Prohibited~~

It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this article. It shall also be unlawful for any person to remove, destroy, mutilate or later any license plate, seal or registration card during the time in which such license plate, seal or registration card is operative; provided, however, that nothing in this article shall prohibit the Chief of Police, any member of the Fire Department or any other department designated by the City Manager from stamping numbers on the frames of bicycles on which no serial number can be found or on which said number is illegible or insufficient for identification purposes.

(Amended 8-20-1975 by O-11661 N.S.)

34.06 ~~Serial Numbers~~

No bicycle license plate shall be issued for any bicycle unless such bicycle has permanently stamped or cast on its frame a serial number unique to the particular bicycle of each manufacturer. On bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes, the Fire Department or any other department designated by the City Manager shall stamp a serial number on the frame thereof. Serial numbers shall be stamped or cast on bicycles as provided for in California Vehicle Code, Section 39000 et seq.

(Amended 8-20-1975 by O-1161 N.S.)

34.07 ~~Transfer Report Required~~

Every person who sells or transfer ownership of any bicycle shall report such sale or transfer to the Chief of Police, together with the name and address of the person to whom the bicycle was sold or transferred. The report shall be made within ten (10) days of the date of transfer. Every person who purchases or otherwise acquires possession of a bicycle shall within ten (10) days of taking possession thereof apply for the transfer of license to his name. Whenever the owner of a bicycle licensed pursuant to the article change his address, he shall within ten (10) days notify the Chief of Police of the old and new addresses.

(Amended 8-20-1975 by O-11661 N.S.)

34.08 ~~Maintenance of Records~~

The Chief of Police shall maintain records of each bicycle registered. Such records shall include but not be limited to the license number, the serial number of the bicycle, the make, type, and model of the bicycle, and the name and address of the licensee.

Attachment I

(“Maintenance of Records” added 8-20-1975 by O-11661 N.S.)

34.09—Reciprocity

Any license issued to the owner of a bicycle, under the requirements of California Vehicle Code, Section 39000 et seq., shall be honored by The City of San Diego if such licensed bicycle owner moves from the issuing jurisdiction to within the City of San Diego. Such license shall be honored until the expiration date of said license and the licensed owner shall then immediately make application for a current bicycle license to be issued under the requirements of this article.

(Amended 6-24-1996 by O-18314 N.S.)

34.10—License Period

Bicycle licenses shall be renewed uniformly throughout the state on January 1 of the third year following the year of registration. Renewal of a bicycle license shall be indicated by a supplementary adhesive device affixed parallel to, and above or below, the indicia with the expiration date showing.

(Amended 6-24-1996 by O-18314 N.S.)

34.11—Rental Agencies

A rental agency operating within the City of San Diego shall not rent or offer any bicycle for rent unless said bicycle is licensed as provided in this article.

(“Rental Agencies” added 8-20-1975 by O-11661 N.S.)

34.12—Fines

The fine imposed for any violation of Section 34.01 to and including 34.11 of this article shall be ten dollars (\$10.00).

(Amended 6-24-1996 by O-18314 N.S.)

34.15—Repossession of Motor Vehicles—Regulations

Every person, firm or corporation who shall repossess any motor vehicle within the City of San Diego shall, within two (2) hours after such repossession, file a written report of such repossession with the police station nearest the place of repossession or with the central police station.

Provided however, that should a telephone or verbal notification be made to the police station nearest the place of repossession or the central police station, as above located, within one (1) hour of such repossession, then such person, firm or corporation shall, within twenty-four (24) hours after such repossession, file a written report as hereinabove provided.

Attachment I

Said report shall contain the name and address of the person, firm or corporation making such repossession; the name and address of the person, firm or corporation from whom such repossession was made; the location or address of the place of repossession; and the make, state license number, motor number, and serial number of such repossessed motor vehicle.

(Incorp. 1-22-1952 by O-5046 N.S., contained in O-1098 N.S. adopted 2-23-1937).